

MEMORIAL
OF THE
LEGISLATURE OF WISCONSIN,
IN FAVOR OF

Payment to Alexander F. Pratt, late sheriff of Waukesha county, in said State, for expenses incurred by him in pursuing and keeping a prisoner convicted in the United States district court of that State for counterfeiting United States coin.

MARCH 2, 1866.—Referred to the Committee on Claims and ordered to be printed.

MEMORIAL to Congress to pay a certain claim for arresting and keeping a United States prisoner.

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the State of Wisconsin respectfully represents: That in the month of September, 1849, one Elijah K. Jenner was convicted of counterfeiting United States coin in the United States district court of this State, and sentenced to State's prison for ten years; and that, in accordance with such sentence, he was confined in the jail of Waukesha county, (there being no State's prison,) where he remained in the keeping of Alexander F. Pratt, sheriff of said county, for the space of three months, when he broke jail and made his escape; that said Jenner was pursued by said sheriff some four weeks, and finally captured; that said Jenner, after remaining in said jail two months and twenty days, again made his escape; and that said sheriff has never received any compensation for keeping or pursuing said prisoner.

Your memorialists therefore respectfully ask that the sum of five hundred and thirty dollars be allowed to said Pratt for his expenses for pursuing and for keeping said prisoner, believing that amount to be justly due him for the reasons aforesaid.

H. L. PALMER,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tem. of the Senate.

LEONARD J. FARWELL.

Approved April 2, 1853.

STATE OF WISCONSIN,
Secretary's office, ss:

The secretary of state of the State of Wisconsin hereby certifies that the foregoing has been compared with the original enrolled memorial on file in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State, at the capitol, in Madison, this fourteenth day of November, A. D. 1865.

[SEAL.]

LUCIUS FAIRCHILD,
Secretary of State.

STATE OF WISCONSIN,

Waukesha county, ss :

A. F. Pratt, being duly sworn, says : That in 1849 he was sheriff of the county aforesaid ; that one Elijah K. Jenner was convicted in the United States district court of this State, and sentenced to ten years' imprisonment, for counterfeiting United States coin. There being no State's prison *then* in the State, he was ordered to be kept in Waukesha county jail ; that, after being kept there several months, he procured a false key, made of lead, with which he opened the doors and made his escape ; that this deponent, with three assistants, pursued him a long time, at a great expense, and finally captured him in the Wisconsin pinery. At that time I expected the State would pay the expenses of keeping, clothing, boarding, and capturing said prisoner. After two or three years' delay the State refused to pay any part of said bill, but memorialized Congress to pay me the amount of my bill, to wit, \$530. Said memorial was sent to Congress, and, after two or three years' more delay, I was told that it passed the House, but did not reach the Senate.

During the last two years it was brought up again, and at the last session it passed the House, but did not reach the Senate, or was not reported in that branch. In 1856 my office, with all its contents—including my books and accounts—was consumed by fire ; therefore, I have no account of the items in the account, which was for boarding, clothing, time and money expended in pursuing and capturing this prisoner, which amounted, in 1849, to five hundred and thirty dollars. I do further state that the most of this sum was for money advanced, which I hired at *twenty five per cent.* interest ; also, that said account is true and just, and that no part of the same has ever been paid.

A. F. PRATT.

Subscribed and sworn to before me this 16th day of November, A. D. 1865.

VERNON TICHENOR,

Notary Public.

STATE OF WISCONSIN,

Waukesha county, ss :

Elliot Gibbs, being duly sworn, says : That in the year 1849 A. F. Pratt was sheriff of Waukesha county, and I was one of his deputies. During that time one Elijah K. Jenner was confined in the county jail for counterfeiting United States coin ; that said Jenner broke jail by means of a false key, and made his escape. Sheriff Pratt, myself, and several others pursued him for several weeks, at a large expense ; he was finally captured by Mr. Pratt in the pinery. I know that Mr. Pratt expended a long time and a large sum of money in pursuing said prisoner.

ELLIOT GIBBS.

Subscribed and sworn to before me this 18th day of November, A. D. 1865.

D. W. SMALL,

Notary Public, Wisconsin.

UNITED STATES OF AMERICA,

District of Wisconsin, ss :

I, John M. Miller, clerk of the district court of the United States of America for the district of Wisconsin, do hereby certify that I have compared the

writings annexed to this certificate, and they are true copies of their respective originals, and are correct transcripts therefrom, now on file and remaining of record in my office.

In testimony whereof, I have hereunto set my hand and duly affixed the seal of the said court, at the city of Milwaukee, in the said district of Wisconsin, this eighteenth day of November, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the said United States the ninetieth.

[SEAL.]

J. M. MILLER, *Clerk*.

UNITED STATES OF AMERICA,

District of Wisconsin, ss:

At a special term of the district court of the United States of America for the district of Wisconsin, begun and held according to law, at the city of Milwaukee, in said district of Wisconsin, on the first Monday (being the first day) of October, A. D. 1849—present the honorable Andrew G. Miller, judge of said court, presiding. On the eighteenth day of said term, to wit, on the twentieth day of October, A. D. 1849, the following proceedings were had, to wit:

THE UNITED STATES OF AMERICA	}	Indictment for counterfeiting coin.
<i>vs.</i>		
ELIJAH K. JENNER, WILLIAM S. PET- TIBONE, and HIEL H. RUST.		

This day the said jurors of the jury, being charged by the court upon their said oaths, respectively do say that the said defendant, Elijah K. Jenner, is guilty in manner and form as he stands indicted.

And afterwards, on the twentieth day of said term, to wit, on the twenty-third day of October, A. D. 1849, the following proceedings were had, to wit:

This day came the district attorney, and on motion, it is ordered by the court that the said prisoner, Elijah K. Jenner, be and is deemed guilty of felony; and the court doth sentence the said Elijah K. Jenner, now here present, to pay a fine of one hundred dollars, and to be punished by imprisonment and confinement to hard labor for the term of ten years from this date in the State prison or penitentiary of the State of Wisconsin. And until the said State prison or penitentiary is completed, it is ordered by the court that he be, and is hereby, committed to the jail of the county of Waukesha, and such other jail or jails in the State of Wisconsin as this court may from time to time direct; and further, that he be and remain in custody until this sentence be complied with.

